

November 5, 2004

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KOMEIJI

LLP

BRIAN A. KANG  
(808) 544-8361  
bkang@wik.com

**VIA FEDERAL EXPRESS**

Jeff S. Jordan, Esq.  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

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OFFICE OF GENERAL  
COUNSEL

2004 NOV - 8 : P 3: 32

Re: **MUR 5560 - Maui Land & Pineapple Company, Inc.**

Dear Mr. Jordan:

This firm represents Maui Land & Pineapple Company, Inc. ("ML&P") with respect to the above-referenced Matter Under Review ("MUR"), which ML&P received via mail on October 25, 2004. The Statement of Designation of Counsel is enclosed with this letter. On behalf of ML&P, and pursuant to 11 CFR § 111.6, the following is in response to the complaint filed by Mr. Paul Dunlap in this MUR. As discussed in detail below, Mr. Dunlap's allegation that ML&P may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") is wholly without merit, and ML&P respectfully requests the Commission to promptly dismiss this complaint and close this matter as it pertains to ML&P.

While not entirely clear from the complaint, it appears that Mr. Dunlap alleges that because Mr. Stephen Case owns a major percentage of ML&P stock, and Mr. Case (as well as various officers of ML&P) have made individual and personal contributions to the campaign committee for federal candidate (and current Congressman) Edward Case, that ML&P has allegedly made "illegal corporation contributions" to Congressman Case's campaign in violation of the Act and 11 CFR § 114.2(b).

While ML&P has established and administers the Maui Land & Pineapple Company, Inc. Federal PAC separate segregated fund ("ML&P SSF") (which has made contributions to Congressman Case's campaign, and others, in full compliance with the Act and relevant regulations), ML&P itself has never used its corporate treasury funds to make political contributions in connection with federal elections. See Affidavit of Randall Endo, attached hereto. In addition, as

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Jeff S. Jordan, Esq.  
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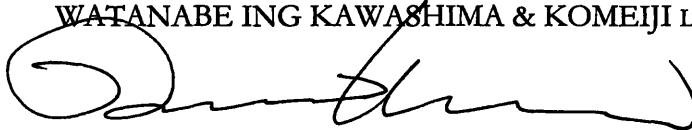
noted in the affidavits attached hereto,<sup>1</sup> all of the political contributions listed by Mr. Dunlap in the complaint and made to Congressman Case by Mr. Stephen Case, Mr. and Mrs. David Cole, Mr. Brian Nishida, Mr. Randall Endo and Mr. Warren Suzuki were contributions made by the individuals involved and with their own personal funds. None of the contributions listed were made in the name of any other individual or entity as prohibited by the Act and 11 CFR § 110.4. We further note that all of the contributions listed by Mr. Dunlap in the complaint fully comply with the individual contribution limits to federal candidates as provided in 11 CFR § 110.1(b).

Given the foregoing, Mr. Dunlap's allegations that ML&P made "illegal corporate contributions" and that Mr. Stephen Case is "channeling funds from his controlling interest" in ML&P to Congressman Case's campaign are entirely unfounded and wholly without merit. As there is no legal or factual basis for Mr. Dunlap's complaint against ML&P, we request that the Commission promptly close this MUR and dismiss the complaint as it pertains to ML&P.

Thank you for your attention to the foregoing, and please do not hesitate to contact me should you have any questions or need additional information on this matter.

Very truly yours,

WATANABE ING KAWASHIMA & KOMEIJI LLP



BRIAN A. KANG

Enclosures

cc: Maui Land & Pineapple Company, Inc.  
Attn: Mr. Randall Endo (w/ Encls.)

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<sup>1</sup>Due to time constraints and scheduling factors, an executed copy of Mr. Stephen Case's affidavit (received via facsimile) is enclosed. The original of Mr. Case's affidavit will be forwarded to the FEC upon receipt.

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AFFIDAVIT OF RANDALL H. ENDO

STATE OF HAWAII

COUNTY OF MAUI

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SS.

RANDALL H. ENDO, being first duly sworn on oath, deposes and says that:

1. I am a resident of the County of Maui, State of Hawai'i, and I make this affidavit upon personal knowledge.

2. I am the Vice President of Government Relations for Maui Land & Pineapple Company, Inc. ("ML&P").

3. ML&P has established and administers the Maui Land & Pineapple Company, Inc. Federal PAC separate segregated fund ("ML&P SSF").

4. While the ML&P SSF has previously made contributions to Congressman Edward Case's campaign (among other federal candidates), those contributions were made in full compliance with the Federal Election Campaign Act of 1971, as amended and relevant regulations.

5. ML&P itself has never used its corporate treasury funds to make political contributions in connection with federal elections.

6. As an individual, I have previously made personal contributions to Congressman Edward Case's campaign.

7. The \$400 contribution listed in Mr. Paul Dunlap's complaint to the Federal Election Commission apparently refers to the personal contribution that I made to Congressman Case's campaign on or about August 16, 2004.

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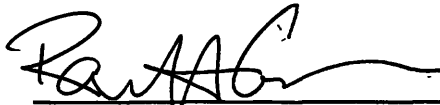
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8. The foregoing personal contribution was made entirely with my own personal funds; I was not reimbursed for the contribution; and the contribution was not made on behalf of any other person or entity.

Further Affiant Sayeth Naught.

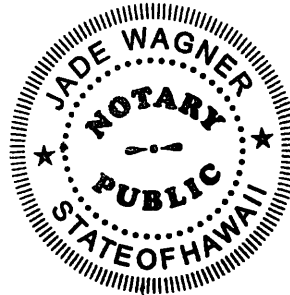
  
\_\_\_\_\_  
RANDALL H. ENDO

Subscribed and sworn to before me this

15<sup>th</sup> day of November, 2004

  
\_\_\_\_\_

Notary Public, State of ~~JADE WAGNER~~  
Expiration Date: June 1, 2007  
My Commission expires: \_\_\_\_\_



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AFFIDAVIT OF STEPHEN M. CASE

STATE OF VIRGINIA

FAIRFAX COUNTY

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SS.

STEPHEN M. CASE, being first duly sworn on oath, deposes and says that:

1. I am a resident of Fairfax County, State of Virginia, and I make this affidavit upon personal knowledge.


2. The Stephen M. Case Revocable Trust, which I established, owns a major interest in the shares of Maui Land & Pineapple Company, Inc. ("ML&P").

3. As an individual, I have previously made personal contributions to Congressman Edward Case's campaign.

4. The \$2,000 contribution listed in Mr. Paul Dunlap's complaint to the Federal Election Commission apparently refers to the personal contributions that I made to Congressman Case's campaign on or about December 23, 2002 (in the amount of \$1,000.00) and June 16, 2004 (in the amount of \$1,000.00).

5. The foregoing personal contributions were made entirely with my own personal funds; I was not reimbursed for the contributions; and the contributions were not made on behalf of any other person or entity.

Further Affiant Sayeth Naught.

  
STEPHEN M. CASE

Subscribed and sworn to before me this

4<sup>th</sup> day of November, 2004

Melanie M. Besaw

Notary Public, ~~State of Virginia~~ District of Columbia

My Commission expires: 11/1/08

Melanie M. Besaw  
Notary Public, District of Columbia  
My Commission Expires 01-01-2008

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AFFIDAVIT OF DAVID C. COLE

STATE OF HAWAII

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SS.

COUNTY OF MAUI

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DAVID C. COLE, being first duly sworn on oath, deposes and says that:

1. I am a resident of the County of Maui, State of Hawai'i, and I make this affidavit upon personal knowledge.

2. I am the Chairman, President and Chief Executive Officer of Maui Land & Pineapple Company, Inc. ("ML&P").

3. As an individual, I have previously made personal contributions to Congressman Edward Case's campaign, as has my wife.

4. The \$2000.00 contribution listed in Mr. Paul Dunlap's complaint to the Federal Election Commission apparently refers to the personal contribution that I made to Congressman Case's campaign on or about June 16, 2004 (in the amount of \$1,000.00) and the personal contribution that my wife made to Congressman Case's campaign on or about June 16, 2004 (in the amount of \$1,000.00).

5. The foregoing personal contributions were made entirely with my own (and my wife's) personal funds; we were not reimbursed for the contributions; and the contributions were not made on behalf of any other person or entity.

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Further Affiant Sayeth Naught.

  
\_\_\_\_\_  
DAVID C. COLE

Subscribed and sworn to before me this

3<sup>rd</sup> day of November, 2004

Jade Wagner

\_\_\_\_\_  
Notary Public, State of Hawai'i

JADE WAGNER

My Commission expires: Expiration Date: June 1, 2007



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Naught.



BRIAN C. NISHIDA

1st day of November, 2004

Notary Public, State of Hawai'i

11.17.2004



AFFIDAVIT OF WARREN A. SUZUKI

STATE OF HAWAII

COUNTY OF MAUI

SS.

WARREN A. SUZUKI, being first duly sworn on oath, deposes and says that:

1. I am a resident of the County of Maui, State of Hawai'i, and I make this affidavit upon personal knowledge.

2. I am the Senior Vice President of Community Relations and Corporate Communications for Maui Land & Pineapple Company, Inc. ("ML&P").

3. As an individual, I have previously made personal contributions to Congressman Edward Case's campaign.

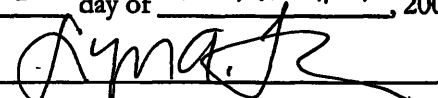
4. The \$1000.00 contribution listed in Mr. Paul Dunlap's complaint to the Federal Election Commission apparently refers to the personal contribution that I made to Congressman Case's campaign on or about June 16, 2004.

5. The foregoing personal contribution was made entirely with my own personal funds; I was not reimbursed for the contribution; and the contribution was not made on behalf of any other person or entity.

Further Affiant Sayeth Naught.

  
WARREN A. SUZUKI

Subscribed and sworn to before me this  
2nd day of November, 2004

  
Lydia A. Toda

Notary Public, State of Hawai'i

My Commission expires: 11-17-2004

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